

Appl. No.: 09/768,507
Docket No.: 1982-0162P
January 25, 2005
Art Unit: 2612
Page 10 of 15

REMARKS

Claims 1-4 and 11-20 are pending in this application. Claims 1 and 11 are independent claims. By this amendment, claims 1 and 11 are amended, and claims 5-10 are canceled without prejudice or disclaimer thereto.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in dependent claims 5 and 15 over the art of record. The Office Action also indicates that claims 5 and 15 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, applicants respectfully submit that all of claims 1-4 and 6-20 are allowable, for at least the reasons set forth below.

The Disclosure Inconsistencies Are Obviated

The Office Action objects to the disclosure because of inconsistencies. This objection is respectfully traversed.

Applicants respectfully submit that the amendment to the specification obviates the objection to the disclosure.

Accordingly, withdrawal of the objection to the disclosure is respectfully solicited.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejections: (1) claims 1-3, 6-8, 11-13 and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,278,844 to Takeshita (hereafter Takeshita) in view of U.S. Patent No. 6,233,016 to Anderson et al. (hereafter Anderson); (2) claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takeshita in view of U.S. Patent No. 6,700,610 to Kijima et al. (hereafter Kijima); and (3) claims 4, 9, 14, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takeshita in view of Anderson and Kijima.

These rejections are respectfully traversed.

Applicants respectfully submit that the combination of cited references fail to teach or suggest each and every feature as set forth in the claimed invention.

The Examiner concedes that Takeshita fails to disclose determining during power initiation whether or not a voltage decrease from the electric power source during operation of one of the lens cover driving motor and the zoom motor is less than a predetermined value. (see Office Action, page 5, 1st paragraph). In order to make up for the deficiencies found in Takeshita, the examiner imports Anderson.

For example, the examiner alleges that Anderson teaches that if the decrease in voltage from operating the motors (46) during power initiation exceeds a predetermined value (or rather in other

words, if the voltage value during motor operation exceeds the threshold voltage), the power state of the camera does not need to be changed and the motors (46) are operated simultaneously and not sequentially. (see Office Action, page 5). Applicants disagree with this allegation.

For instance, applicants respectfully submit that Anderson merely discloses determining whether or not the power source voltage during operation of the camera is greater than the predetermined threshold. In other words, Anderson only discloses determining whether or not the battery charge is sufficient, or whether or not the camera is connected to the AC power supply. (see Anderson, col. 5, line 64 to col. 6, line 21 and col. 10, lines 28-34).

Thus, Anderson fails to disclose determining, during power initiation, whether or not an amount of voltage decrease from the electric power source caused by an operation of a driving motor is less than a predetermined value. That is, Anderson fails to disclose determining whether or not a battery connected to the camera is a power source which has a sufficient electric energy.

In contrast with the present invention, according to Anderson since the power source voltage is monitored, the determination is made only on whether or not a battery charge is sufficient, or whether or not the camera is connected to the AC power source. However, in the present invention, it can be determined whether or not the battery connected to the camera is a power source with

sufficiently large enough electric energy (i.e., whether the battery is AC, alkaline, or NiMH) since the amount of voltage decrease from the electric power source caused by an operation of a driving motor during power initiation is monitored.

For at least the reasons noted above, applicants respectfully submit that Anderson fails to make up for the deficiencies found in Takeshita.

Furthermore, applicants respectfully submit that Kijima also fails to disclose monitoring an amount of voltage decrease as noted above. As such, Kijima fails to make up for the deficiencies found in both Anderson and Takeshita.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicants respectfully submit that the combination of Takeshita with either Anderson or Kijima fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that not only does the references fail to teach or suggest each and every feature as set forth in the claimed invention, but that one of ordinary skill in the art would not have been motivated to combine/modify the teachings of Takeshita with either Kijima or Anderson because there is no teaching or suggestion in any of the references regarding how or why one would modify such systems to arrive at the claimed invention.

Applicants respectfully submit that independent claims 1 and 11 are allowable over the cited references for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-4, 6-14 and 16-20 under 35 U.S.C. §103(a) is respectfully requested.

Appl. No.: 09/768,507
Docket No.: 1982-0162P
January 25, 2005
Art Unit: 2612
Page 15 of 15

Conclusion

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.


+Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 to schedule a Personal Interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Respectfully submitted,
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